UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2002/NGO/19
24 January 2002

ENGLISH ONLY

COMMISSION ON HUMAN RIGHTS
Fifty-eighth session
Item 11 (a) of the provisional agenda

CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF: TORTURE AND DETENTION

Written statement* submitted by the International Rehabilitation Council for Torture Victims (IRCT), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[14 January 2002]

*This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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The IRCT wishes to draw the Commission's attention to a number of current issues related to the implementation of the prohibition against torture and other cruel, inhuman or degrading treatment and punishment.

The IRCT would like to emphasise the importance of the work of the UN Voluntary Fund for Victims of Torture (UNVFVT) in providing support for the rehabilitation of torture victims. In this regard, the IRCT urges governments to consider increasing their contributions to the Fund in order to better meet existing needs. It is a matter for serious concern that only a small fraction of torture victims worldwide have the possibility to obtain rehabilitation treatment, counselling or support services. In the year 2000, the gap between the amount in the Fund and the requests for funding received was over US$ 3 million, a very large discrepancy, and one which nevertheless represents only a portion of the currently existing global needs.

Since the 11 September terrorist attacks, the IRCT has witnessed a deterioration in respect for basic human rights and freedoms across the world, not least in a number of prominent western democracies. Legislative measures taken by the United States, the United Kingdom and other countries in the wake of September 11, especially as regards the detention, interrogation and trial of suspected terrorists, are cause for real concern.

In the IRCTs opinion it is both a false opposition and, in the longer term, counter-productive, to respond to one human rights violation by introducing, in some cases, draconian (if introduced then are new) laws that restrict or curtail some of the most fundamental of civil and political rights. The spectre of terror calls for courage and conviction by political leaders, who can demonstrate by their actions that the open society, in which the rights of the individual citizen are cherished and protected by the State, is worth preserving even in the face of external threats.

The IRCT is convinced that the most effective response to terror and violence is to provide renewed support to the global human rights movement and to prevent governments from silencing the voice of democracy and respect for human rights. It is in those societies that repress their population with impunity that agents of terror and violence are able to flourish.

Another issue of concern for the IRCT is the increasing intolerance and disinterest shown by a number of Western countries towards the plight of refugees and asylum seekers. Many refugees are themselves victims of torture. Treating asylum-seekers as if they were a public nuisance or, even worse, as criminals, places them at risk of retraumatisation. The closing of borders to refugees, furthermore, and the mandatory detention of all illegal arrivals, which is common practice in Australia and in a number of other countries, jeopardises the legal right of victims of torture at international law to obtain redress and rehabilitation, including those measures necessary for their recovery and effective reintegration into society.

The IRCT calls upon the international community to work together to ensure that refugees receive proper protection in accordance with the principles of international law enshrined in the 1951 Convention relating to the Status of Refugees.

The IRCT also wishes to stress the importance of incorporating a mental health care component in all initiatives for the support of refugees and internally displaced peoples. Addressing the psychological needs of populations suffering from the effects of torture and trauma is an important element in overall efforts to rebuild broken communities.

Another issue of importance to the IRCT is the need for a UN Special Rapporteur to address violence against children. Children have special needs and require more extended protection under international law because of their particular vulnerability. At present, there is a lack of a global, comprehensive approach among international human rights mechanisms concerning the rights of the child and especially the issues of physical and psychological violence. The establishment of a Special Rapporteur would fill this gap.

The IRCT wishes to recall the most recent report of the Special Rapporteur on Torture to the Commission, in which he identified putting an end to de facto and de jure impunity as the single most important initiative needed to effectively combat torture. The reality at present is, as is well known, that very few perpetrators of torture or other gross human rights violations are ever brought to justice. Impunity is not only an obstacle to the eradication of torture; it prolongs, and in many cases compounds, the ongoing effects of the act of torture on the lives of victims.

The IRCT, therefore, urges adoption of international instruments combating impunity and congratulates those 48 countries that have already ratified the 1998 Rome Statute of the International Criminal Court. The IRCT encourages governments yet to do so to consider ratifying the Statute in the near future, with a view to ensuring that 2002 is the year that the Statute enters into force.

The right to reparation for human rights violations is another important tool in combating impunity and in providing victims of torture with access to justice. In this respect, the IRCT urges the Commission to prioritise the adoption of the UN Draft Basic Principles and Guidelines on the Right to Reparation for Victims of Gross Violations of Human Rights and Humanitarian Law.

The International Rehabilitation Council for Torture Victims (the IRCT) is an independent, international health professional organisation, which promotes and supports the rehabilitation of torture victims and works for the prevention of torture worldwide. The IRCT collaborates with, or supports, more than 200 rehabilitation centres or programmes in every region of the world. It is the strong conviction of the IRCT that the prevention of torture and the rehabilitation of torture victims, is an essential component in efforts to promote of peace and security, the prevention of conflict and the reconciliation of former enemies.